







## RESPONSE UNDER 37 CFR 1.116 **EXPEDITED PROCEDURE EXAMINING GROUP 2800**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor

Jason P. Brenden

Appln. No.

10/619,802

Filed

July 15, 2003

Title

VOICE COIL MOTOR POWER AMPLIFIER

Group Art Unit: 2816

Examiner:

Wells, Kenneth B.

Docket No.

V44.12-0155

## RESPONSE AFTER FINAL

SENT VIA EXPRESS MAIL

Mail Stop AF Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

Express Mail No.: EV 302258802 US

This is in response to the Office Action mailed on January 25, 2005. Pending in the present application were claims 1-11 and 13-23. The Office Action allowed claims 1-9 and 23; objected to claims 14-21 as being dependent upon a rejected base claim; and rejected claims 10, 11, 13 and 22 as being anticipated by the prior art. Applicant believes the present application containing claims 1–11 and 13-23 is in condition for allowance, and respectfully requests reconsideration and notice to that effect.

Applicant acknowledges a phone conference between its counsel, Dina M. Khaled and Examiner Kenneth B. Wells and on Friday, February 25, 2005. Applicant argued that claim 10 was patentable over the cited prior art, but nevertheless proposed an amendment of claim 10. Examiner Wells did not consider the amendment because the last Office Action was made final and such amendment would necessarily require a new search. Rather, Examiner Wells suggested that Applicant file a Response to the Office Action putting forth its arguments for patentability of the claims. This Response follows.

P.A. A duplicate copy of this communication is enclosed    Code   (\$)   Code   (\$)							Complete if Known						
Filing Date   July 15, 2003	MAR 2 = 2005						Application No.			10/619,802			
Examiner Name							Filing Date			July 15, 2003			
Examiner Name							t Nam	ed Inv	ventor		Jason P. Brenden		
Atty   Docket Number   V44.12-0155							up Art	Unit			2816		
Atty   Docket Number   V44.12-0155     V44.1							Examiner Name			Wells, Kenneth B.			
NETHOD OF PAYMENT (Check One)				SO OO	, A	Atty	Atty. Docket Number V44.12-0155						
1.	Total	ariodric			ENT (Check One)		FEE CALCULATION (Continued)						
				-		11	DDITIO	NAL F	EES				
1. BASIC FILING FEE	to Depo	ount <u>No.11-09</u>	sitAccountName: Kinney&Lange	Large Fee	Fee	Fee	Fee	Fee	Description	Fee paid			
1.   BASIC FILLING FEE		· · -				1051	130	2051	65	Sur	charge - Late filing fee or oath	*	
1. BASIC FILL   Small Emily   Small Emily   Fee   Fe	2. [] C	heck E				1052	50	2052	25			*	
1812   2.520   1812   2.520   For Filing a Request for Reexamination   1812   2.520   For Filing a Request for Reexamination   1813   2.520   1814   2.520   For Filing a Request for Reexamination   1815   2.520   1816   2.520   For Filing a Request for Reexamination   1816   2.520   1816   2.520   For Filing a Request for Reexamination   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   2.520   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   18			<del></del>	E CALC	JLATION	1053	130	1053	130			*	
Fee						1812	2,520	1812	2,520	For	Filing a Request for Reexamination	*	
1001   770   2001   385     Utility Filing Fee   1252   420   2252   210   Extension for repty within second month   1002   340   2002   170     Design Filing Fee   1253   950   2253   475   Extension for repty within full month   1004   770   2004   385     Reissue Filing Fee   1254   1,480   2254   740   Extension for repty within full month   1005   160   2005   80     Prov. Filing Fee   1254   1,480   2254   740   Extension for repty within fifth month   1402   330   2402   165   Filing a brief in support of an appeal   1403   220   2403   145   Request for oral hearing   1403   280   2403   145   Request for oral hearing   1403   280   2403   145   Request for oral hearing   1404   1408   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409   1409	Fee	Fee	Fee Fee	Fee	Description	1251	110	2251	55	Exte	ension for reply within first month	*	
1004   770   2004   385         Reissue Filing Fee   1254   1,480   2254   740   Extension for reply within fourth month   1255   2,010   2255   1,005   Extension for reply within fifth month   1402   330   2402   165   Filing a brief in support of an appeal   1403   290   2403   145   Request for oral hearing   1402   330   2402   165   Filing a brief in support of an appeal   1403   290   2403   145   Request for oral hearing   1404   100   2402   165   Filing a brief in support of an appeal   1403   290   2403   145   Request for oral hearing   1404   86   2204   43   Reissue Independent Claims   1402   330   2402   165   Filing a brief in support of an appeal   1403   290   2403   145   Request for oral hearing   1403   290   2403   145   Request for oral hearing   1404   86   2204   43   Reissue Independent Claims in excess of 20   1808   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809   1809		_				1252	420	2252	210	Exte	ension for reply within second month	*	
1005   160   2005   80	1002	340	2002 170	0	Design Filing Fee	1253	950	2253	475	Exte	ension for reply within third month	*	
Subtotal (1) \$0.00	1004	770	2004 385	0	Reissue Filing Fee	1254	1,480	2254	740	Exte	ension for reply within fourth month	*	
2. EXTRA CLAIM FEES    Number   Claims   Prior**   Extra   Fee from Below   Fee Paid Below   Fee Paid   1814   110   2814   55   Terminal Disclaimer Fee	1005	160	2005 80	, to	Prov. Filing Fee	1255	2,010	2255	1,005	Exte	ension for reply within fifth month	*	
Number   Prior**   Extra   Fee from   Fee Paid   1814   110   2814   55   Terminal Disclaimer Fee   1814   110   2814   55   Terminal Disclaimer Fee   1814   110   2814   55   Terminal Disclaimer Fee   1815   1814   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   1816   18					Subtotal (1) \$0.00	1402	330	2402	165	Filin	g a brief in support of an appeal	*	
Total   22   - 22   = 0   x   * = *	2. <b>EXT</b>	RA CL	AIM FEES			1403	290	2403	145	Req	uest for oral hearing	*	
Indep. 3 - 3 = 0 x * = *  Multiple Dependent Claims				Extra		1814	110	2814	55	Ten	ninal Disclaimer Fee	*	
Multiple Dependent Claims  **Insert 3 and 20, or number previously paid if greater, Reissue see below  Large Entity Fee Fee Fee Fee Fee Description  1501 1,330 2501 665  1502 480 2502 240  Design issue fee  1502 480 2502 240  Design issue fee  1460 130 1460 130  Petitions to the Commissioner  1807 50 1807 50  Petitions related to provisional applications  1807 50 1807 50  Petitions related to provisional applications  1808 1808 1808 1808 1808  Submission of Information Disclosure  Statement  1201 86 2201 43 Independent Claims in excess of 3  1203 290 2203 145 Multiple Dependent Claims  Over Original Patent  1801 770 2801 385 Request for Continued Examination  (RCE)	Total	22	- <u>22</u> =	<u>0</u> x	<u>*</u> = <u>*</u>	1452	110	2452	55	Peti	tion to revive - unavoidable	*	
**Insert 3 and 20, or number previously paid if greater; Reissue see below  Large Entity Small Entity Fee Fee Fee Fee Pee Description  1202 18 2202 9 Claims in excess of 20  1201 86 2201 43 Independent claims in excess of 3  1203 290 2203 145 Multiple Dependent Claims  1204 86 2204 43 Reissue Independent Claims  1205 18 2205 9 Reissue claims in excess of 20 and over original patent  1301 1,330 2501 665 Other fee (specify)  1502 480 2502 240 Design issue fee  1502 480 2502 240 Design issue fee  1600 130 1460 130 Petitions to the Commissioner  1807 50 1807 50 Petitions related to provisional applications  1807 50 1807 50 Petitions of Information Disclosure  Statement  8021 40 8021 40 Recording each patent assignment per property (times number of properties)  1808 1801 770 2801 385 Request for Continued Examination (RCE)	Indep.	<u>3</u> -	3 =	<u>0</u> x	<u>*</u> = <u>*</u>	1453	1,330	2453	665	Peti	tion to revive - unintentional	*	
Large Entity Small Entity Fee Fee Fee Fee Fee Fee Description  1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3 1203 290 2203 145 Multiple Dependent Claims 1204 86 2204 43 Reissue Independent Claims Over Original Patent  1205 18 2205 9 Reissue claims in excess of 20 Other fee (specify)  1460 130 1460 130 Petitions to the Commissioner 1460 130 1460 130 Petitions related to provisional applications 1807 50 1807 50 Petitions related to provisional applications 1807 180 1806 180 Submission of Information Disclosure 1802 140 8021 40 Recording each patent assignment per property (times number of properties)  1807 1807 180 1807 180 Petitions to the Commissioner 1807 1807 1807 1807 1807 1807 1807 1807	Multiple D	ependen	t Claims		<u>*</u> = <u>*</u>	1501	1,330	2501	665	Utili	ty/Reissue issue fee	*	
Large Entity Small Entity Fee Fee Fee Fee Fee Fee Fee Fee For Code (\$)  1202 18 2202 9 Claims in excess of 20  1201 86 2201 43 Independent claims in excess of 3  1203 290 2203 145 Multiple Dependent Claims  1204 86 2204 43 Reissue Independent Claims Over Original Patent  1205 18 2205 9 Reissue claims in excess of 20 and over original patent  1460 130 1460 130 Petitions to the Commissioner  1807 50 1807 50 Petitions related to provisional applications  1808 180 1806 180 Submission of Information Disclosure Statement  8021 40 8021 40 Recording each patent assignment per property (times number of properties)  1801 770 2801 385 Request for Continued Examination  **Continued Examination**  **Continued Examination*  **Continued Examination**  **Continued Examination*  **Continued Examination**  **Continued Examination*  **Contin	· · · · · · · · · · · · · · · · · · ·						480	2502	240	Des	ign issue fee	*	
Code (\$) Code (\$)  1202 18 2202 9 Claims in excess of 20  1201 86 2201 43 Independent claims in excess of 3  1203 290 2203 145 Multiple Dependent Claims  1204 86 2204 43 Reissue Independent Claims  Over Original Patent  1205 18 2205 9 Reissue claims in excess of 20  1806 180 1806 180 Submission of Information Disclosure  Statement  8021 40 8021 40 Recording each patent assignment per property (times number of properties)  1801 770 2801 385 Request for Continued Examination  **  Other fee (specify)		Entity	Small E	ntity		1460	130	1460	130	Peti	tions to the Commissioner	*	
1201 86 2201 43 Independent claims in excess of 3  1203 290 2203 145 Multiple Dependent Claim  1204 86 2204 43 Reissue Independent Claims Over Original Patent  1205 18 2205 9 Reissue claims in excess of 20 and over original patent  Statement  8021 40 8021 40 Recording each patent assignment per property (times number of properties)  1801 770 2801 385 Request for Continued Examination (RCE)					Description	1807	50	1807	50	Peti	tions related to provisional applications	*	
1201 86 2201 43 Independent claims in excess of 3  1203 290 2203 145 Multiple Dependent Claim  1204 86 2204 43 Reissue Independent Claims Over Original Patent  1205 18 2205 9 Reissue claims in excess of 20 and over original patent  1206 18 2201 43 Independent claims in excess of 20 and over original patent  1207 18 2205 9 Reissue claims in excess of 20 and over original patent	1202	18	2202	9	Claims in excess of 20	1806	180	1806	180			*	
1203 290 2203 145 Multiple Dependent Claim property (times number of properties)  1204 86 2204 43 Reissue Independent Claims Over Original Patent  1205 18 2205 9 Reissue claims in excess of 20 and over original patent  Other fee (specify)	1201	86	2201	43								<u> </u>	
Over Original Patent (RCE)  1205 18 2205 9 Reissue claims in excess of 20 and over original patent Other fee (specify)	1203	290	2203	145	Multiple Dependent Claim	8021	40	8021	40				
20 and over original patent	1204	86	2204	43		1801	770	2801	385			*	
· · · · · · · · · · · · · · · · · · ·	1205	18	2205	9		Other f	ee (spec	ify)				*	
Subtotal (3) \$0.0		<u> </u>				4					Subtotal (3	\$0.00	

Signature	Janoon fenere or	Reg. No	52,761
	Dina M. Khaled		
	3/25/2005		
Date	3/ 4 9/2000	Deposit Account No	11-0982

UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor

Jason P. Brenden

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Title

**VOICE COIL MOTOR POWER** 

**AMPLIFIER** 

Examiner:

Wells, Kenneth B.

Group Art Unit: 2816

Docket No.

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## **EXPRESS MAIL COVER SHEET**

**Commissioner For Patents** P.O. Box 1450 Alexandria, VA 22313-1450 SENT VIA EXPRESS MAIL

Express Mail No.: EV 302258802 US

The following papers are being transmitted via EXPRESS MAIL to the U.S. Patent and

Trademark Office on the date shown below:

- Response After Final; 1.
- 2. Fee Transmittal (in duplicate); and
- 3. Return receipt postcard.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 3/25/2005

Dina M. Khaled, Reg. No. 52,761

THE KINNEY & LANGE BUILDING

312 South Third Street

Juno MKholea

Minneapolis, MN 55415-1002

Telephone: (612) 339-1863

Fax: (612) 339-6580

DMK:bmg